

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. vs. James Daniel McClelland**

**Docket No. 5:12-CR-49-1H**

**Petition for Action on Supervised Release**

COMES NOW John A. Cooper, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, James Daniel McClelland, who, upon an earlier plea of guilty to 21 U.S.C. § 841 (a)(1), Distribution of a Quantity of Cocaine and Cocaine Base, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge on December 12, 2012, to the custody of the Bureau of Prisons for a term of 9 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

James Daniel McClelland was released from custody on May 31, 2013, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On March 11, 2015, McClelland submitted to urine testing and the result was positive for marijuana. He admitted using marijuana and attributed his use to stress in his life following the death of his young son and sporadic employment problems. McClelland previously completed a program of substance abuse testing and mental health treatment and this incident is the first violation he has incurred since his release. He has a year remaining on supervision and realizes that he cannot continue to use drugs. As such, we are recommending supervision be continued, but require McClelland to serve 2 days in jail as a sanction for his conduct. We will reinstate him in the substance abuse testing and treatment program to closely monitor any further drug use during his final year of supervision. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton

Robert L. Thornton

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ John A. Cooper

John A. Cooper

U.S. Probation Officer

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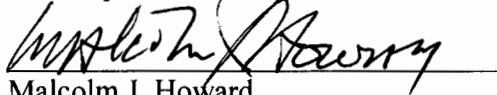
Phone: 910-679-2046

Executed On: April 30, 2015

**James Daniel McClelland**  
**Docket No. 5:12-CR-49-1H**  
**Petition For Action**  
**Page 2**

**ORDER OF THE COURT**

Considered and ordered this 4th day of May 2015 and ordered filed and made a part of the records in the above case.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", is written over a horizontal line.

Malcolm J. Howard  
Senior U.S. District Judge